

43481  
OEA

SERVICE DATE – DECEMBER 13, 2013

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 55 (Sub-No. 718X)**

**CSX Transportation, Inc. – Abandonment Exemption –  
In Alachua County, Fla.**

**AND**

**Docket No. AB 507 (Sub-No. 1X)**

**Florida Northern Railroad Company – Discontinuance of Service Exemption –  
In Alachua County, Fla.**

**BACKGROUND**

In this proceeding, the CSX Transportation, Inc. (CSXT) and the Florida Northern Railroad Company (FNOR) filed a notice under 49 C.F.R. § 1152.52 seeking exemption from the requirements of 49 U.S.C. § 10903 for CSXT to abandon and FNOR to discontinue service over a portion of rail line located in Alachua County, Florida. Specifically, CSXT proposes to abandon approximately 11.62 miles of rail line on its West Coast Subdivision between (1) milepost AR 716.88 at High Springs and milepost AR 726.69 at Newberry, and (2) milepost ARB 717.11 at High Springs and milepost ARB 718.92 at High Springs. FNOR proposes to discontinue service over approximately 9.81 miles of the 11.62 miles of this rail line between AR 716.88 at High Springs and milepost AR 726.69 at Newberry. CSXT requests abandonment of the additional 1.81 mile portion of rail line between milepost ARB 717.11 and milepost ARB 718.92 because this segment of line, located at the northern terminus of the proposed transaction, would no longer be connected to any viable track if abandonment authority is granted. The CSXT and FNOR line are collectively referred to as the rail line, or simply, the line.

The proposed abandonment and discontinuance of service traverses Zip Codes 32643 and 32669. Based on information in the railroads' possession, the line does not contain any federally granted rights-of-way. CSXT and FNOR indicate that the rail line proposed for abandonment and discontinuance of service would be suitable for other public purposes, except for the portion of rail line located at the southern terminus, between milepost AR 724.60 and milepost AR 726.69, which would be converted to exempt spur track. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes

effective, CSXT would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

## **ENVIRONMENTAL REVIEW**

CSXT and FNOR submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroads served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

CSXT and FNOR state that no local traffic has moved over the line for at least two years and any overhead traffic can be and has been rerouted. CSXT and FNOR indicate that the rail line proposed for abandonment and discontinuance of service is in poor condition and would be costly to rehabilitate and maintain. The rail line was embargoed in July 2011 under AAR Embargo Notice FNOR000111, and since July 2012, under OPSTL Note FNORAG0215.<sup>2</sup> CSXT and FNOR state that Prime Conduit, located at milepost ARB 718, is the only shipper on the line. Prime Conduit currently receives polyvinyl chloride (plastic) shipments that are transloaded at Jacksonville, FL, then moved by truck to Prime Conduit.

According to CSXT and FNOR, the proposed action would result in approximately 10 or less rail carload shipments per month at the current level of customer usage. If all the rail traffic is diverted to truck traffic (as it currently is because the rail line is embargoed), and using a rail-to-truck conversion factor for varied commodities of four trucks per one rail carload, OEA determined that there would be 480 truckloads (960 truckloads assuming an empty backhaul) of traffic on area roadways per year. Based on a 240 day work year, OEA calculates that 960 truck trips would add approximately four new trucks per day to area roads, and would not exceed the Board's thresholds of an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment. 49 C.F.R. § 1105(e)(4)(iv)(A). Accordingly, the proposed abandonment and discontinuance of service would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

---

<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 718X).

<sup>2</sup> The Association of American Railroads defines an Open & Prepay Station List (OPSTL) as a permanent method of identifying stations affected by operational changes to railroads, such as embargoes.

## *Salvage Activities*

The rail line travels in a southerly direction through the urban and rural communities of High Springs, FL and Newbury, FL. The right-of-way ranges from approximately 50 feet to 100 feet in width. Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regarding of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If abandonment authority is granted, CSXT intends to salvage the rail, ties and track material but leave the roadbed intact. CSXT does not intend to perform any activities that would cause erosion and sedimentation, and dredging or the use of fill material is not anticipated. No new roads are contemplated. Crossties and other debris would be transported away from the line and not discarded in the right-of-way. CSXT intends to take appropriate measures to prevent or control spills from fuels, lubricants or any other pollutants from entering into neighboring waterways.

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

CSXT and FNOR indicate that the proposed abandonment and discontinuance of service would eliminate 13 public at-grade crossings and three private at-grade crossings. Accordingly, OEA believes that these closures would improve public safety.

Based on information in FNOR's possession, there have been no fuel or containment spills by FNOR or any third party contractor on the line proposed for abandonment and discontinuance between May 2005 and November 8, 2011. CSXT, however, indicates that there is a CSXT former fueling area that has been the subject of extensive groundwater testing, monitoring, and remediation for petroleum contamination. The property is located near the northern terminus of the project area outside the proposed abandonment, at 905 Northwest Railroad Avenue in High Springs, FL. CSXT indicates that Shaw Environmental, Inc. is managing the project for CSXT in accordance with the Florida Department of Environmental Protection's (FDEP) Petroleum Cleanup Program (FDEP ID # 018518168). CSXT states that FDEP suspended work at the site in 2005 due to a funding shortfall and a decrease in the site's priority ranking for cleanup, and that all monitoring wells were abandoned and reports finalized and submitted to FDEP in late 2008. The site is currently inactive and CSXT indicates that no future work can occur on the property until the site is deemed eligible for inclusion into FDEP's Preapproval Program, a lengthy process that would deem the site eligible for future redevelopment. OEA has not received comments from FDEP but has heard from Alachua County who confirmed much of the above information. The County also commented that there may be residual surface contaminants from prior railroad operations at the former petroleum site and recommended that a phase I Environmental Site Assessment be conducted for future real estate transactions. While OEA cannot recommend mitigation measures for the former petroleum site because it is outside the area of the proposed abandonment and discontinuance of service, and thus not subject to Board jurisdiction, we have included FDEP in the service list for this proceeding so that it may review the EA and provide comments on the proposed abandonment and discontinuance of service.

Alachua County also commented that the removal of track materials should not have an adverse effect on surface waters, listed species, or other natural features, providing existing access points are used for salvage operations, the roadbed is left intact, and all discarded material is properly removed from the site. The County recommends that CSXT contact the Alachua County Environmental Protection Department if any of these resources, including wetlands and wetland buffers, would be impacted during salvage operations to determine conformance with the County's land development regulations. The County indicates that CSXT should prepare a sediment and erosion control plan to minimize impacts during salvage operations. Although CSXT has indicated that it would not be impacting offsite or downstream resources during salvage operations, OEA is recommending a condition that would require CSXT to consult with the Alachua County Environmental Protection Department prior to initiating salvage operations to determine what, if any, permits may be required.

Lastly, Alachua County commented that there may be active Gopher tortoise burrows located within the right-of-way proposed for abandonment and discontinuance of service and recommended that CSXT contact the Florida Fish and Wildlife Conservation Commission (FWC) to determine what procedures and permits may be required. As noted in FWC's Gopher Tortoise Permitting Guidelines (<http://myfwc.com/license/wildlife/gopher-tortoise-permits/>), Gopher tortoises are protected by state law under Chapter 68A – 27.003, and a permit is required for any type of work within 25 feet of the habitat areas. This would include any Gopher tortoise burrows that are outside the rail line right-of-way but within 25 feet of the area of the proposed salvage operations. OEA is therefore recommending a condition that would require CSXT to consult with FWS prior to initiating salvage operations to determine what, if any, special procedures or permits may be needed to protect Gopher tortoise habitat areas within 25 feet of proposed salvage operations.

The U.S. Army Corps of Engineers (Corps) submitted comments stating that if the overall work associated with the proposed project does not adversely affect waters of the United States, including wetlands, the Corps does not believe that the proposed action would result in the discharge of dredge or fill material into waterways or wetlands of the United States, providing the work is implemented in accordance with any best management practices. As previously stated in this EA, CSXT intends to salvage the rail, ties and track material but leave the roadbed intact. CSXT does not intend to perform any activities that would cause erosion and sedimentation, and dredging or the use of fill material is not anticipated. No new roads are contemplated. Crossties and other debris would be transported away from the line and not discarded in the right-of-way. CSXT intends to take appropriate measures to prevent or control spills from fuels, lubricants or any other pollutants from entering into neighboring waterways. While OEA believes that Corps permits would not be required under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. § 1344), it is including the Corps in the service list for this proceeding so that it may review the EA and provide comments, if necessary.

The Florida State Clearinghouse commented that the proposed abandonment and discontinuance of service is consistent with the Florida Coastal Management

Program. Accordingly, no additional consultation on coastal zone management would be required as a result of the proposed action.

The U.S. Environmental Protection Agency (EPA), Region 4, commented that it has reviewed the proposed abandonment and discontinuance of service and has determined that a stormwater permit under Section 402 of the Clean Water Act's National Pollutant Discharge Elimination System is not required at this time. EPA, however, commented that it does not have the legal authority to determine if the proposed action is in conformance with state and local water quality standards and recommended that CSXT contact FDEP for further guidance. OEA has included FDEP in the service list for this proceeding so that it may review the EA and provide comments, if necessary.

The National Geodetic Survey (NGS) commented that one geodetic survey marker is located inside or near the rail line right-of-way proposed for abandonment and discontinuance of service. Accordingly, OEA has included a condition in this EA that would require CSXT to notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers within the area of the proposed abandonment and discontinuance of service.

The High Springs Chamber of Commerce provided comments pertaining to the portion of rail line immediately south of the area proposed for abandonment and discontinuance of service, between milepost AR 727 and milepost AR 730. The Chamber of Commerce commented that this segment of rail line, located in a residential area, is needed to complete a rail to trail project but may instead become a storage facility. OEA notes that because the area of concern is outside the limits of the proposed transaction, the Board lacks the authority to impose any conditions relative to this segment of rail line.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties above and those on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: the National Park Service; the U.S. Department of Agriculture's Natural Resources Conservation Service; the U.S. Fish and Wildlife Service; the Florida Department of Transportation; and the Newberry Florida City Hall.

## **HISTORIC REVIEW**

CSXT and FNOR served the Historic Report on the Florida Department of State, Division of Historical Resources (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c) as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)]. The SHPO commented that the rail corridor is part of the Henry B. Plant system of railroads in Florida and is recorded on the Florida Master Site File (FMSL) as a linear resource under the Savannah, Florida and Western Railway (8AL5104). The SHPO further commented that the rail corridor is eligible for inclusion in the National Register of Historic Places (National Register) and that the proposed undertaking would have an adverse effect on historic properties. The SHPO indicated

that the proposed undertaking would be sufficiently mitigated if an updated FMSL is completed. The SHPO is requiring that the update include the relevant historical information that CSXT provided in an earlier correspondence dated August 12, 2013.

Accordingly, OEA is recommending a condition that would require CSXT to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way, or APE, eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>3</sup> The database indicates that there are two federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Seminole Nation of Oklahoma and the Seminole Tribe of Florida. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

## **CONDITIONS**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. The CSXT Transportation, Inc. (CSXT) shall consult with the Alachua County Environmental Protection Department prior to initiating salvage of the rail line to determine what, if any, permits may be required for salvage operations on the rail line.
2. CSXT shall consult with the Alachua Florida Fish and Wildlife Conservation Commission prior to initiating salvage of the rail line to determine what, if any, procedures and/or permits may be needed to protect Gopher tortoise habitat areas within 25 feet of the proposed salvage operations.
3. CSXT shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
4. CSXT shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been

---

<sup>3</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited December 5, 2013).

completed. CSXT shall report back to OEA regarding any consultations with the State Historic Preservation Office and the public. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 718X) and AB 507 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: December 13, 2013.

**Comment due date: December 31, 2013.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment